

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JACOB E. BALCOM,

Plaintiff,

v.

CASE NO: 20-CV-12660

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on cross motions for summary judgment. The case was referred to United States Magistrate David R. Grand pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on January 21, 2022 recommending that this court deny defendant's motion for summary judgment, grant in part and deny in part defendant's motion for summary judgment and remand to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C), thus further appeal rights are waived.¹

Accordingly, the court ADOPTS the recommended findings and conclusions of the Magistrate Judge.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Commissioner's [20] Motion for Summary Judgment is **DENIED**, Plaintiff's [17] Motion for Summary judgment is **GRANTED IN PART** to the extent it seeks remand and **DENIED IN PART** to the extent it seeks an award of benefits, and pursuant to sentence four of 42 U.S.C. §405(g), the case is **REMANDED** for further proceedings.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 10, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 10, 2022, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522